

Legislative Fiscal Division

Item 2a is contingent on passage of a bill by the 2009 legislature that increases the per-ANB entitlements and the basic entitlements by 3 percent in FY 2010 and by another 3 percent in FY 2011. If legislation is not passed that increases the per-ANB entitlements and the basic entitlements by 3 percent in FY 2010 and another 3 percent in FY 2011, then item 2a is reduced by \$16,010,738 in FY 2010 and by \$32,586,665 in FY 2011.

The office of public instruction may distribute funds from the appropriation for In-state Treatment to public school districts for the purpose of providing for educational costs of children with significant behavioral or physical needs.

All revenue up to \$1.1 million in the traffic education account for distribution to schools under the provisions of 20-7-506 and 61-5-121 is appropriated as provided in Title 20, chapter 7, part 5.

All appropriations for federal special revenue programs in state level activities and in local education activities and all general fund appropriations in local educational activities are biennial.

EXHIBIT 2

DATE 2/12/09

HB 2

MONTANA UNIVERSITY SYSTEM – HB 2 LANGUAGE

The following language is typically inserted into HB 2 for the Montana University System. Insertion of this language into HB 2 requires subcommittee approval.

Language that creates the lump sum appropriation:

Items designed as OCHE--administration (01), Student Assistance Program (02), Improving Teacher Quality (03), Talent Search (06), Workforce Development (08), Appropriation Distribution Transfers (09) [excluding Agriculture Experiment Station, Extension Service, Forest and Conservation Experiment Station, Bureau of Mines and Geology, Bureau Ground Water Program, and Fire Services Training School], Guaranteed Student Loan (12), and Board of Regents (13) are a single biennial lump-sum appropriation.

Language appropriating all public funds received by MUS:

General fund money, state and federal special revenue, and proprietary fund revenue appropriated to the board of regents are included in all Montana university system programs (5100). All other public funds received by units of the Montana university system (other than plant funds appropriated in HB 5, relating to long-range building) are appropriated to the board of regents and may be expended under the provisions of 17-7-138(2). The board of regents shall allocate the appropriations to individual university system units, as defined in 17-7-102(13), according to board policy.

Language requiring MUS to provide access to MUS Banner Information System:

The Montana university system, except the office of the commissioner of higher education and the community colleges, shall provide the office of budget and program planning and the legislative fiscal division banner access to the entire university system's banner information system, except for information pertaining to individual students or individual employees that is protected by Article II, sections 9 and 10, of the Montana constitution, 20-25-515, or the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g.

Language requiring MUS to provide electronic data required for state's budgeting system:

The Montana university system shall provide the electronic data required for human resource data for the current unrestricted operating funds into the MBARS system. The salary and benefit data provided must reflect approved board of regents operating budgets.

Language containing estimated public funds that will be received by MUS educational units and agencies and deposited to the current unrestricted fund. These revenues are in addition to the state funds contained in line items in HB 2.

Revenue anticipated to be received by the Montana university system units and colleges of technology include interest earnings and other revenue of \$1,042,488 each year of the 2011 biennium. These amounts are appropriated for current unrestricted operating expenses as a biennial lump-sum appropriation and are in addition to the funds shown in OCHE.

Revenue anticipated to be received by the agriculture experiment station includes:

- (1) interest earnings and other revenue of \$60,308 each year of the 2011 biennium; and
- (2) federal revenue of \$2,195,157 each year of the 2011 biennium.

Revenue anticipated to be received by the extension services includes:

- (1) interest earnings of \$14,000 each year of the 2011 biennium; and
- (2) federal revenue of \$2,201,529 each year of the 2011 biennium.

Anticipated interest revenue of \$425 in each year of the 2011 biennium is appropriated to the forest and conservation experiment station for current unrestricted operating expenses. This amount is in addition to that shown in OCHE--Appropriation Distribution Transfers.

Anticipated sales revenue of \$45,000 in fiscal year 2010 and \$48,000 in fiscal year 2011 is appropriated to the Bureau of Mines and Geology for current unrestricted operating expenses. This amount is in addition to that shown in OCHE--Appropriation Distribution Transfers.

Anticipated interest revenue of \$1,500 each year of the 2011 biennium is appropriated to Fire Services Training School for current unrestricted operating expenses. This amount is in addition to that shown in OCHE--Appropriation Distribution Transfers.

Language that requires the MUS units to transfer funds for bond payments relating to the state energy conservation program (need dollar amounts from OBPP):

OCHE--Appropriation Distribution Transfers includes \$1,195,300 for the 2011 biennium that must be transferred to the energy conservation program account and used to retire the general obligation bonds sold to fund energy improvements through the state energy conservation program. The costs of this transfer in each year of the biennium are: university of Montana-Missoula, \$112,500 in fiscal year 2010 and \$101,500 in fiscal year 2011; Montana tech of the university of Montana, \$37,000 in fiscal year 2010 and \$37,000 in fiscal year 2011; western Montana college of the university of Montana, \$103,650 in fiscal year 2010 and \$102,650 in fiscal year 2011; Helena college of technology of the university of Montana, \$6,000 in fiscal year 2010 and \$6,000 in fiscal year 2011; Montana state university-Bozeman, \$58,000 in fiscal year 2010 and \$58,000 in fiscal year 2011; Montana state university-Billings, \$144,500 in fiscal year 2010 and \$133,700 in fiscal year 2011; Montana state university-northern, \$63,400 in fiscal year 2010 and \$58,400 in fiscal year 2011; and Montana state university-Great Falls college of technology, \$86,500 in fiscal year 2010 and \$86,500 in fiscal year 2011.

Language that requires the MUS to transfer funds to the Montana state library for the natural resource information system:

The Montana university system shall pay \$88,506 for the 2011 biennium in current funds in support of the Montana natural resource information system (NRIS) located at the Montana state library. Quarterly payments must be made upon receipt of the bills from the state library, up to the total amount appropriated.

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Joint Appropriations Subcommittee on Education

Proposed Amendment to PG 04 Community College Assistance Program

Amendment requested by Representative Steenson

Motion: "I move the subcommittee adopt the statutory funding formula for the community college assistance program with the following formula factors:

1. Projected resident enrollment for each community college, per year:
 - a. Dawson Community College – 372
 - b. Flathead Valley Community College – 1,435
 - c. Miles Community College – 412
2. The variable cost of education per FTE is \$2,194 each year
3. The fixed cost of education totals \$14,528,178 each year
4. The state percent share of the formula calculated total cost of education is 50.8% each year of the 2011 biennium.

Given these formula parameters, the state general fund included in this motion for the community college assistance program totals \$19,707,008 for the 2011 biennium."

See table on back of page for formula calculations with the above parameters.

Explanation: This motion would establish the state funding for the community colleges using the statutory formula. The state funding in this motion is approximately \$1,009,047 higher than the revised executive budget and \$581,900 higher than the LFD formula calculations presented in the Budget Analysis (Update). This motion does not include or impact DP 401 Audit Costs.



Community College Assistance Program - Calculation of General Fund Appropriation for the 2011 Biennium										
Using Statutory Funding Formula										
Includes a Fixed/Variable Cost Calculation at a 75/25 Ratio										
Budget Item Factors	Fiscal Year 2010					Fiscal Year 2011				
	Dawson	Flathead Valley	Miles	Total		Dawson	Flathead Valley	Miles	Total	
Projected Resident Student FTE	372	1,435	412	2,219		372	1,435	412	2,219	
Fixed Cost of Education	\$2,540,823	\$8,373,977	\$3,613,378	\$14,528,177		\$2,540,823	\$8,373,977	\$3,613,378	\$14,528,177	
Variable Cost of Education per FTE	\$2,194	\$2,194	\$2,194	\$2,194		\$2,194	\$2,194	\$2,194	\$2,194	
Total Cost of Education per Formula	\$3,356,991	\$11,522,367	\$4,517,306	\$19,396,663		\$3,356,991	\$11,522,367	\$4,517,306	\$19,396,663	
State % Share of Cost of Education	50.8%	50.8%	50.8%	50.8%		50.8%	50.8%	50.8%	50.8%	
Calculated State Share Amount	\$1,705,351	\$5,853,362	\$2,294,791	\$9,853,504		\$1,705,351	\$5,853,362	\$2,294,791	\$9,853,504	
DP 401 - Legislative Audit **	\$13,040	\$15,893	\$11,818	\$40,751					\$40,751	
Total General Fund Budget	\$1,718,391	\$5,869,255	\$2,306,609	\$9,894,255		\$1,705,351	\$5,853,362	\$2,294,791	\$9,853,504	

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Community College Assistance Program - Calculation of General Fund Appropriation for the 2011 Biennium

Using Statutory Funding Formula

Includes a Fixed/Variable Cost Calculation at a 75/25 Ratio

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	Dawson	Flathead Valley	Miles	Total		Dawson	Flathead Valley	Miles	Total		
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Total General Fund Budget	\$1,718,391	\$5,869,255	\$2,306,609	\$9,894,255		\$1,705,351	\$5,853,362	\$2,294,791	\$9,853,504		\$19,747,759

** Biennial appropriation is included for comparison purposes with proposed executive budget



Optional Retirement Plan (ORP) Funding Issue -- General Fund is Subsidizing Some Costs That Should be Funded from Non-State Funds

The Montana University System (MUS) requires newly hired faculty, administrative, and professional staff under Board of Regent contract to join the Optional Retirement Program (ORP) (a defined contribution retirement plan). As the employer, the Montana University System pays the employer contributions for those MUS employees participating in the ORP.

HB95 passed by the 2007 Legislature increased the employer's share of the ORP retirement plan by 1 percentage point (from 4.956% to 5.956%) and funded the 1 percentage point increase with a statutory general fund appropriation, regardless of the fund source that pays the salary and benefit costs (including the 4.956% employer contribution to the ORP) of those positions participating in the ORP plan. HB 95 was codified in Section 19-21-203, MCA and the statutory appropriation was added to the statutory list in Section 17-7-502, MCA.

In FY 2008, approximately 30 percent of the salary and benefit costs of positions participating in the ORP plan were funded from non-state sources, yet state general fund bore 100 percent of the cost increase authorized in HB 95. For the 2011 biennium, the total projected cost of the 1 percentage point increase in employer contributions relating to HB 95 is \$3.9 million. **Thirty percent of this cost is \$1.2 million.** The legislature could make this \$1.2 million general fund available for other state priorities in the 2011 biennium and beyond by amending statute to restrict the general fund statutory appropriation for positions that are funded by state funds. Positions that are funded by non-state funds would receive the additional 1 percent employer contribution increase, but the funding would come from non-state funds through the regular MUS budget process.

The legislature may also want to consider eliminating the statutory appropriation and fund the increased employer contribution in the general appropriations act, as approximately 80 percent of the total employer ORP contribution (the 4.956% portion) is currently included in the general appropriations act. Note: The state percent share of funding for the Montana University System that is determined by the legislature each session directly impacts how much of the employer ORP contribution is funded by the state. The current statutory appropriation funds the increase 100 percent from general fund.

Options

Option 1: Request a committee bill that restricts the statutory general fund appropriation for use toward state funded positions only. This would reduce general fund costs by \$1.2 million in the 2011 biennium.

Option 2: Request a committee bill that eliminates the statutory general fund appropriation in 19-21-203 and 17-7-502 and add the cost of the additional employer ORP contribution authorized in HB 95 (2007 Legislature) for state-funded positions only to the general appropriations act, funded by general fund. This option would also reduce overall general fund costs by \$1.2 million in the 2011 biennium. In addition, this option would hold the university system harmless from funding changes for this additional cost, at least for the 2011 biennium.

(over)

Option 3: Same as Option 2, but fund the cost of the additional employer ORP contribution for state-funded positions at the same state percent share that will ultimately be determined by the legislature during the 2009 Legislature. This option would cost the general fund less than Option 2, but would likely require increased tuition rates, as the cost is mandated in statute.

Option 4: Take no action.

1. Motion to request a committee bill to restrict the statutory general fund appropriation for the additional ORP employer contribution for state-funded positions only:

"I move that the Joint Appropriations Subcommittee on Education request a committee bill that would amend Section 19-21-203, MCA to restrict the general fund statutory appropriation to be used for the 1% increase in the employer contribution towards the Optional Retirement Plan only for positions that are funded with state funds."

2. Motion to request a committee bill to repeal the statutory general fund appropriation for the additional ORP employer contribution:

"I move to request a committee bill that would amend Section 19-21-203 to repeal the statutory general fund appropriation for the additional ORP employer contribution. This motion would also include adding the cost of the additional ORP employer contribution authorized by HB 95 (2007 Legislature) for state-funded positions only to the general appropriations act."



Optional Retirement Plan (ORP) Funding Issue -- General Fund is Subsidizing Some Costs That Should be Funded from Non-State Funds

The Montana University System (MUS) requires newly hired faculty, administrative, and professional staff under Board of Regent contract to join the Optional Retirement Program (ORP) (a defined contribution retirement plan). As the employer, the Montana University System pays the employer contributions for those MUS employees participating in the ORP.

HB95 passed by the 2007 Legislature increased the employer's share of the ORP retirement plan by 1 percentage point (from 4.956% to 5.956%) and funded the 1 percentage point increase with a statutory general fund appropriation, regardless of the fund source that pays the salary and benefit costs (including the 4.956% employer contribution to the ORP) of those positions participating in the ORP plan. HB 95 was codified in Section 19-21-203, MCA and the statutory appropriation was added to the statutory list in Section 17-7-502, MCA.

In FY 2008, approximately 30 percent of the salary and benefit costs of positions participating in the ORP plan were funded from non-state sources, yet state general fund bore 100 percent of the cost increase authorized in HB 95. For the 2011 biennium, the total projected cost of the 1 percentage point increase in employer contributions relating to HB 95 is \$3.9 million. **Thirty percent of this cost is \$1.2 million.** The legislature could make this \$1.2 million general fund available for other state priorities in the 2011 biennium and beyond by amending statute to restrict the general fund statutory appropriation for positions that are funded by state funds. Positions that are funded by non-state funds would receive the additional 1 percent employer contribution increase, but the funding would come from non-state funds through the regular MUS budget process.

The legislature may also want to consider eliminating the statutory appropriation and fund the increased employer contribution in the general appropriations act, as approximately 80 percent of the total employer ORP contribution (the 4.956% portion) is currently included in the general appropriations act. Note: The state percent share of funding for the Montana University System that is determined by the legislature each session directly impacts how much of the employer ORP contribution is funded by the state. The current statutory appropriation funds the increase 100 percent from general fund.

Options

Option 1: Request a committee bill that restricts the statutory general fund appropriation for use toward state funded positions only. This would reduce general fund costs by \$1.2 million in the 2011 biennium.

Option 2: Request a committee bill that eliminates the statutory general fund appropriation in 19-21-203 and 17-7-502 and add the cost of the additional employer ORP contribution authorized in HB 95 (2007 Legislature) for state-funded positions only to the general appropriations act, funded by general fund. This option would also reduce overall general fund costs by \$1.2 million in the 2011 biennium. In addition, this option would hold the university system harmless from funding changes for this additional cost, at least for the 2011 biennium.

(over)

Option 3: Same as Option 2, but fund the cost of the additional employer ORP contribution for state-funded positions at the same state percent share that will ultimately be determined by the legislature during the 2009 Legislature. This option would cost the general fund less than Option 2, but would likely require increased tuition rates, as the cost is mandated in statute.

Option 4: Take no action.

1. Motion to request a committee bill to restrict the statutory general fund appropriation for the additional ORP employer contribution for state-funded positions only:

“I move that the Joint Appropriations Subcommittee on Education request a committee bill that would amend Section 19-21-203, MCA to restrict the general fund statutory appropriation to be used for the 1% increase in the employer contribution towards the Optional Retirement Plan only for positions that are funded with state funds.”

2. Motion to request a committee bill to repeal the statutory general fund appropriation for the additional ORP employer contribution:

“I move to request a committee bill that would amend Section 19-21-203 to repeal the statutory general fund appropriation for the additional ORP employer contribution. This motion would also include adding the cost of the additional ORP employer contribution authorized by HB 95 (2007 Legislature) for state-funded positions only to the general appropriations act.”

Joint Appropriations Subcommittee on Education

Proposed Amendment to PG 09, Appropriation Distribution Program

Amendment requested by Representative Villa

Motion: "I move the addition of \$4,000,000 general fund in the 2011 biennium to the appropriation distribution program for the purposes of addressing the recruitment and retention of faculty, including the inversion and compression issues as identified by the Regents Task Force on faculty recruitment and retention.

Explanation:

DRAFT

Joint Appropriations Subcommittee on Education

Proposed Amendment to PG 04, Community College Assistance Program

Amendment requested by Representative Villa

Motion: "I move the addition of \$500,000 general fund in the 2011 biennium to the community college assistance program for the purposes of addressing the recruitment and retention of faculty, including the inversion and compression issues as identified by the Regents Task Force on faculty recruitment and retention.

Explanation:

DRAFT

Joint Appropriations Subcommittee on Education

Proposed Amendment to PG 11, Tribal College Assistance

Amendment requested by Senator Juneau/Representative Steenson

Motion: "I move the addition of \$312,046 general fund each year of the 2011 biennium to the Tribal College Assistance Program for the purpose of increasing the financial assistance to tribal colleges for nonbeneficiary students."

Explanation: There has been some new federal legislation that allows 1st generation Indian students (students whose parents are members of a federally recognized tribe, but they are not) to be eligible for the tribal college federal funding. It is estimated that a total of 50 nonbeneficiary students will meet this new definition at Montana's tribal colleges. The revised count of nonbeneficiary students is 302 less 50 = 252 eligible FTE at \$3,024 = \$762,048 per year. Subtracting the FY 2008 base already adopted by the subcommittee leaves \$312,046 additional per year.



Joint Appropriations Subcommittee on Education

Motion to Request a Committee Bill

Motion requested by Senator Peterson

Motion : I move that the Joint Appropriations Subcommittee on Education requests a committee bill to specify the deposit and use of the proceeds of the Pennsylvania Power and Light Company case on the payment of riverbed rents from 2000 forward shall be 5 percent to the public school trust fund and 95 percent to the guarantee account for equitable distribution to the schools.

Joint Appropriations Subcommittee on Education

Proposed Amendment to Appropriation Distribution Program (09), Office of the Commissioner of Higher Education

Amendment requested by Senator Bob Hawks

Motion: "I move to add \$150,000 general fund each year of the 2011 biennium as a line item appropriation for the Local Government Center in the Montana Extension Service."

Explanation: This motion would add \$150,000 state general fund each year of the 2011 biennium as a line item for the Local Government Center in the Montana Extension Service. The appropriation would support the salary and benefits of a director, program coordinator, and graduate research assistant. Operations, travel, and materials development is supported through workshop registrations and current allocations from the College of Letters and Science and MSU Extension.